

In The Name of God the Most Merciful the Most Compassionate

Iraqi High Tribunal
Second Criminal Court
Iraq – Baghdad
Reference No.: 1/ Second Criminal/ 2006
Date: 2007 June 24

Verdict Decision

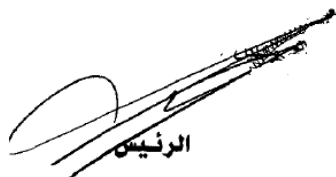
The responsibility of the accused (Sultan Hashim Ahmad) regarding relocation or coercive dislocation of the inhabitants which represents a crime against humanity:

Crime Elements:

- 1- The accused relocates or forcibly dislocates a person or more to another country or another place or with any other coercive action for reasons that are violating international law.
- 2- The concerned individual or individuals exist legally in the area that they were relocated or were transferred from.
- 3- The perpetrator knows the actual conditions which prove the legality of this attack.
- 4- The perpetrator's act is part of a systematic or large-scale attack against the civilian inhabitants.
- 5- The perpetrator knows that this act is a part of a large-scale attack against the civilian inhabitants.

coercive dislocation or deportation of the inhabitants; is when the accused coercively dislocates or relocates one or more person to another country or place by expelling or by any other forced act for reasons that the international law doesn't ratify, and in case that the targeted persons are legally settled in the area from which they were transferred or deported.

The evidencing elements of this crime... as a crime against humanity is the evidence that the displacement was coercive ... evidence that the used compulsion exceeds the limit of the mere fear of discrimination, an evidence of fear of violence, compulsion, moral oppression, or misuse of authority... evidence that denies the military necessity... evidence that denies the idea that evacuation was carried out to protect civilians.... Evidence on ruining



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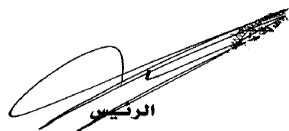
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Houses of the relocated inhabitants.... Evidence that civilians were considered as detainees... evidence that civilians were relocated to areas that is located outside their territory, which is a violation of the International Humanity Law ... in presence of the aforementioned elements, the crime perpetrator must be aware of the factual situation that proves the legality of their existence.

The Kurdish civilian inhabitants from the Kurdish villages, are those have been living in this area from long time ago... so they inhabit their fathers' and grandfathers' land in Kurdistan, where as they practice farming and grazing. They enjoy its moderate weather, fertile land, fresh water and fruitful trees. They are civilian inhabitants, who live in these villages, how ever the military troops targeted the civilian inhabitants by a wide-range and methodical attack... additionally; they ruined these villages and relocated the civilians including women, children and old men, to the concentration camps without their desires and forcibly, and this is confirmed by the accused (Sultan Hashim Ahmad) before the investigative judge on 2005 June 23 (I implement the military order, despite the villages remained precious regarding its inhabitants... and there is no one prefers to leave his house forcefully) additionally; this is what the victims said that they were coercively dislocated from their father's and grandfather's land.... More over; the accused ('Ali Hasan Al-Majid) confirmed in the Letter number 4008 dated 1987 June 20, that included prohibiting of any human, animal and farming existence in this area... the evidence that the used compulsion exceeds the fear from discrimination... where the military unit arrested the civilian inhabitants and prevented anyone from escaping and transferred them under heavy guarding by soldiers to the concentration centers... additionally; the Letter number 4008 dated 1987 June 20 that includes killing and arresting everyone presented in the area that aged between (15-70 years old)

Regarding the possibility of arresting victims before their dislodgment... is what happened of arresting all civilian inhabitants of the village including women, children, and men and forcing them to the detention camps and the security committees.



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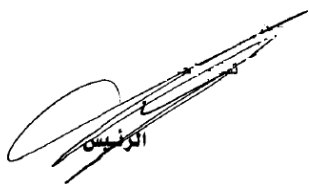
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And the evidence for the disproof of the military circumstances... is what the accused (Sultan Hashim Ahmad) said on 2005 March 20 before the investigative judge... (The purpose was to spread the authority of the country to the last part in the area... and this was for political reasons rather than military). Additionally; the court noticed from the available evidence... that the wide-range and systematic attack included 4 governorates, they are: (Al-Sulaymaniyyah, (Irbil), Duhuk, and Kirkuk), and they are wide areas... include more than 2500 village and town... additionally; it isn't of military necessity to ruin and remove most of the villages in the 4 governorates

Also evidence which denies the claim that evacuation was done in order to protect the civilians... since the civilian inhabitants were not relocated to areas better than theirs or similar to it... but relocated to the detention camps... and part of them were pushed to the mass graves... and others were transferred to (Nuqrat Al-Salman) detention camp under very harsh conditions... and under intensive security guards for a long period... and another section remained in the camps (Dibs and Bahirka). Moreover; the detention camps were lacking medical care and lacking food till death... in addition to the methods of insult, contempt, and dishonoring them.

About the evidence of ruining the dislocated inhabitants' houses... all victims that appealed before the Court and investigation Judge, stated that all their villages and houses were destroyed by bulldozers and tanks, others were burned. The plaintiff (victim) ([NAME REDACTED] said before the Court on 2006 June 20 and he was from Lower (Astil) (*T.C: Khwar in Kurdish, Al-Sufra in Arabic*) ... he stated that on 1988 April 15 afternoon... downpour started... and the military forces surrounded us... and brought the bulldozers to ruin the village... we escaped the village... and they ruined all the village... the victim [NAME REDACTED] mentioned before the Court on 2006 September 16 that he is one of (Qashqa/Qadir Karam Sub District) citizens... the military forces started moving toward our village....



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We escaped from the village... after that the army ruined our village... and there was a clinic and two mosques in the village and the military forces ruined them. The victim [NAME REDACTED] stated before the Court on 2006 September 26...in 1988 the army attacked us from two sides...when the military forces burned and destroyed the whole village... the complainant [NAME REDACTED] stated before the Court on 2006 October 9... that he was one of the (Qulijan) Village inhabitants and on 1988 April 4, we saw the army burning the other villages, they are: (Faqi Mustafa) and other villages... (Kardi), (Qulijan, Amin), (Sirusht), (Kani 'Ubayd), (Hawara Raqa), (Hawara Barza), (Turka), (Chircha Qala) and so on... then the Court noticed a large number of letters and documents issued by the Military Intelligence Systems in the area and which represent the daily acts of removing and ruining the villages... in addition to what is mentioned in the letter number 4008 dated 1987 June 20 and issued by the accused ('Ali Hasan Al-Majid) and it included.... Considering all villages that under security restriction and were not removed... as places for the saboteurs... prohibiting the presence of animal and human in it... that's why the military troops ruined and removed the villages they were attacking... and ruining the villages that the military troops couldn't reach by aid of airplanes.

The evidence on considering the civilian inhabitants detainees is that the military unit arrested the civilian inhabitants of children, women, and old men and relocated them by the military vehicles to the detention center and detained in Tupzawa, Dibs, Nazarki, and Nuqrat Al-Salman. The victim [NAME REDACTED] from (Sidar/ Al-Sulaymaniyyah) stated before the Court on 2006 September 12 ; on 1988 February, our village and its neighbors were bombed by the airplane, artillery and all weapons... the bombing continued for 7 days... and in the morning, the military troops started attacking



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our village... some of the inhabitants managed to escape, but the rest were arrested by the army and they were (80-90) persons.

But the evidence on relocating the civilians outside the Province... approved from the available evidence in the prosecution and testimony of the victims and witnesses, that all the civilian inhabitants were relocated to the detention camps by the military vehicles in (Tupzawa, Dibs, Nazarki, Al-Salamiyyah)... after separating the groups from each other... like separating women from men... youth from old men... then relocating a section of these civilians inhabitant to (Nuqrat Al-Salman camp)... which is located in (Al-Samawah desert) south of Iraq... and this what is confirmed by the victims that came before the court and were detained in (Nuqrat Al-Salman) detention camp... but the other section were detained in camps (Al-Dibs wabiharkah) and others... for long period... since the applicant [NAME REDACTED] from (Kani 'Ubayd) village relating to Kalar District... before the Court on 2006 October 16. In 1988 April, I was detained with my village inhabitants by the army, then we were relocated to (Qura Tu) camps then Tupzawa, after that we stayed for one night only... then we were relocated by the military vehicles to Dibs camp and put us in halls and closed door... we stayed for three months where the situation was very bad... then we were transferred to (Nuqrat Al-Salman) and I found it, crowded with the detained old men... and I stayed in (Nuqrat Al-Salman) for four months.

From the evidence that was reached to, the court found that the convict (Sultan Hashim Ahmad) participated with others in a joint criminal plan in order to execute a wide-range and systematic attack against the civilian inhabitants in the north of Iraq, by conventional and chemical weapons on the Kurdish villages, through issuing orders to the forces that were under his command (1st Corps Forces) during Al-Anfal operation, with his awareness that the normal result that might occur during the attacks, additionally; the joint criminal plan



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was the coercive dislocation of the civilian inhabitants, and actually it took place through the orders issued by the accused (Sultan Hashim Ahmad) to his forces (1st Corps), to relocate the Kurds who were arrested after attacking their villages and were transferred by the military vehicles to the Northern Organizational Office... the accused (Sultan Hashim Ahmad) admitted this fact before the Court and during the court's sessions, thus, the responsibility of the accused (Sultan Hashim Ahmad) in the crime of relocating the civil inhabitants was clarified, according to the article (15/Secondly) of the Court's law.

The responsibility of the accused, (Sultan Hashim Ahmad) for the coercive harboring as a crime against humanity:

The Crime Elements:

1) The perpetrator must:

A - Arrest, detain or abduct one or more persons.

B –Not to admit detention, arrest or abduction of one or more individuals or to give information concerning their fates or whereabouts

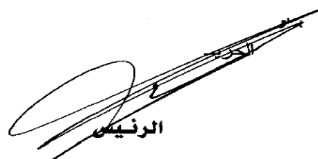
2)

A - When this arrest, detention, or abduction is correlated to a denial of admitting the deprivation of the aforementioned individuals from freedom or delivering information concerning their fates or whereabouts

B – This denial must come after deprivation from freedom or simultaneously with it.

3) The perpetrator must be aware:

A – That arresting of this/these person(s), detaining or abducting will be followed, as per the normal flow of the events, a denial to admit depriving freedom or delivering information concerning their fates or whereabouts.



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B - This denial must come after deprivation from freedom or simultaneously with it

4) This arrest, detention or abduction must be carried by a government or political organization or via an approval or support from both of them.

- 5 The denial to admit depriving that person or those persons from their freedom or to give information about their fates or whereabouts must be carried by a state, or political organization, or via permission or support or confirmation from them.
- 6 The perpetrator must intend to prevent a person or persons from protection guaranteed by law, for a long period of time.
- 7 The conduct must be committed as part of a systematic large scaled attack against the civil inhabitants.
- 8 The perpetrator must be aware that such conduct is part of a systematic large-scaled attack against civil inhabitants or intend it to be that way.

The legal requirements:

The legal requirements for the forcible dislocation crime as a crime against humanity are:

- the perpetrator must arrest one person or more, harbor or detain them, denying to admit arrest, detainment, or harboring, or to deliver information about their fates or whereabouts. This matter must be followed by deprivation of that person or these persons' freedom, or to deliver information regarding their fates.
- The perpetrator must be fully aware that arresting or detaining those individuals will be followed, in advancement of normal activities, by a denial to admit their deprivation from freedom or delivering information regarding their fates or whereabouts, conditioned that the arrest will be carried by a state or political organization with authorization,



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support or confirmation from them. The perpetrator must intend to prevent these persons from their legal protective rights.

- The convict (Sultan Hashim Ahmad), who was the commander of 1st Al-Anfal Operations and commander of the 1st Corps and who commanded other Al-Anfal operations... Initiated from the year 1988, where the military troops attacked the Northern Area within a large-scale and systematic attack targeting civilian inhabitants in Kurdish villages, executing orders of the accused ('Ali Hasan Al-Majid) according to letter (4008) on 20 June 1987, and also executing orders of the Chief of Army Staff and General Command of the Armed Forces as per the confession of the accused (Sultan Hashim Ahmad) before the court that he used to receive orders from the Chief of Army Staff the accused (Nazar Al-Khazraji) (his case is separated). This large-scale attack occurred in (4) phases according to the statement of (Farhan Mutlak) before the Court; the phases are:

- 1- Artillery and aircraft bombing phase
- 2- Ground attack phase
- 3- Civilian inhabitant transferring phase
- 4- Villages eradicating phase

Acting on this base the military forces waged attack on vast areas of Kurdistan after concentrated bombardment by aircrafts and artillery. After that, civilian inhabitants were arrested and transferred in military vehicles to detention camps... And this is what the convict (Sultan Hashim Ahmad) confirmed in his deposition before the investigating magistrate on 23 Jun 2005 (Executing orders issued by the Northern Organizational Office specifically from the accused ('Ali Hasan Al-Majid), who had the authorities


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..... of a President and from Chief of Army Staff... Which was commanded by the convict (Nazar 'Abd-al-Karim Al-Khazraji) and those are clear orders...and as I am military person, I executed those orders by transferring the civilian inhabitants).

And in another passage of his testimony, the accused (Sultan Hashim Ahmad) says ...Civilian families were found...The same order has been carried out against them, which is transferring them via military vehicles to the Intelligence Organization to hand them over to the Northern Organizational Office... As a matter of fact, the families were transferred via military vehicles to the detention camps and that is what most of the victims confirm...But the detainees faced all kinds of persecution and deprivation in the detention camps in (Tupzawa, Qura Tu, Nazarki, Al-Salamiyyah, Dibs...and so on) ... and till now the accused (Sultan Hashim Ahmad), ('Ali Hasan Al-Majid) and others are refusing to provide any information about the fates of several thousands of victims that were buried in mass graves or whose fate is unknown... Whereas the victim [NAME REDACTED]from (Tup Khana) Village mentioned before the court on 26 September 2006 (... on 12 April 1988, the military forces moved forward and attacked our village... and arrested my son [NAME REDACTED]and my brothers [NAME REDACTED], and we do not know about their fate till now). The victim [NAME REDACTED] from (Sikhakaran) Village which belongs to (Kalar) District, says before the court: on 11 October 2006 (In the month of April 1988... We were blockaded by the army and transferred by tractors to Qura Tu ... we stayed there for a night... Then we were transferred to Tupzawa... the men were separated from women and we were (14) individuals... and my father's family (10) individuals... We were put in military warehouses ... Then we were transferred to Dibs Camp and later, we were transferred to Nuqrat Al-Salman after (4) months of harsh conditions... And after Al-Samawah we were transferred back to Tupzawa... She presented before the court a roster including (31) names of her missing relatives and till



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now their fate is unknown). Also, the plaintiff[NAME REDACTED], and she is from (Qashqa) Village, stated before the Court on 26 September 2006: (In the spring of 1988 our village was bombarded by aircrafts... The women, children and aged people went towards Qadir Karam Sub District... Whereas the youth who were (105) persons did not come along with us... some aged men informed the youth about an amnesty... They surrendered to military troops... They were carried away in covered vehicles to unknown destiny and we do not know about their fate till now, my brothers were among them ... they are[NAME REDACTED] and many of my relatives... She showed a roster of their names, before the Court). The victim[NAME REDACTED] from (Qaytul) Village belonging to (Qadir Karam) Sub District says before the Court on 26 September 2006: (In 1988, our village had been continuously bombarded ...the military forces (Bariq Forces) isolated men from women... and carried away men in military vehicles to unknown destination and transferred us to (Tupzawa) camp ... And then, they transferred the women and children to Dibs Camp... they forcibly put us in dark halls...some girls and women went insane of fear. arrested my brothers, [NAME REDACTED]... also my brothers, Nasir Amin Hamid, Farhad Amin Hamid and Hamid Salih Hamid were all arrested and till now we don't know about their fate). Also, the victim presented a roster of her missing relatives.

With the confirmed evidence and the case facts it is clear that the coercive hiding of these victims occurred officially and organized by the State... as all Government civilian, military, security and party Services in the Northern Area participated in this operation, which were under the command of accused ('Ali Hasan Al-Majid) and the Ba'th regime and its officials have not confess till now about the fate of thousands of youth,


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men, women and children of the civilian inhabitants despite discovering many of them in mass graves which were disinterred by international experts.

On 26 September 2006, the plaintiff ([NAME REDACTED]) stated before the Court... That he was a POW in Iran... And after he returned to his village...He says (I found it completely destroyed... and didn't find my family who are my wife [NAME REDACTED]... I submitted two requests to the Presidency of the Republic... And I was answered on 29 October 1990, that my family disappeared during in Al-Anfal) without providing any further information about his family's fate.

The aggressors refused to provide any information on the fates of missing people... and also prevented the victims from protection that the law granted them till now... the proof of this is mentioned in Decree (160) of the year 1987, which includes stopping legal provisions that contradicts with the provisions of this decision... Pursuant to the provisions of the mentioned Decree, no person can inquire about the missing individuals' fate.

The convict (Sultan Hashim Ahmad) is criminally responsible of coercive harboring (hiding) thousands of Kurdish civilians of Al-Anfal victims...this is because the military troops under his command or other troops who provided support and assistance, transferred several thousands of women, children and men in military vehicles to detention camps; and after that they disappeared and till now their fate is unknown... Thus, the accused (Sultan Hashim Ahmad) is responsible of this matter by perpetrating coercive hiding crime of the civilians, by providing support or assistance and contributing with other groups with a common criminal intention to perpetrate the crime, and also aiming to enhance the criminal activity or purpose of the Ba'th regime and its security and military systems, pursuant to the provisions of Article (15/2nd) of the Iraqi High Criminal Tribunal No. / 10 of the year 2005.



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J. Responsibility of the convict (Sultan Hashim Ahmad) of inhuman actions as crime against humanity:

Crime essentials:

- 1- When the crime perpetrator causes severe physical or mental suffering by perpetrating an inhuman action.
- 2- When such an action is similar to any other action mentioned in paragraph/1 of Article /7 of Rome Basic System.
- 3- When the crime perpetrator is aware of the factual circumstances that prove the nature of the action.
- 4- When he commits the action as a part of large-scale or systematic attack directed against civilian inhabitants.
- 5- When the crime perpetrator knows that the action is a part of a large-scale or systematic attack directed against civilian inhabitants and intents to make this action a part of that attack.

The accused ('Ali Hasan Al-Majid) issued orders in letters number (4008) on 20 June 1987 and (3650) on 03 June 1987, by which he decided to completely eradicate the Kurdish villages and prevent Kurdish villagers in the North of Iraq from plowing, farming their lands, and blockaded their food supply and means of living... Through a large-scale and systematic attack executed by the military forces of the 1st, 2nd and 5th corps against Kurdish villages with chemical and conventional weapons; whereas the forces arrested tens of thousands of survivors from death including women, children and men, and then transferred them by military vehicles and handed them over to the Northern Organization Office and from there they were transferred to detention camps in (Tupzawa, Dibs, Nazarki, Qura Tu and Nuqrat Al-Salman), where they suffered from hunger, disease and bad treatment, separation of men from women, seizure of properties, mental and physical torture and the susceptibility of women


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especially young women to wide scale sexual assault by the prison guards. And what happened in Nuqrat Al-Salman detention camp is a proof of that or they were buried to mass graves.

On 18 September 2006, the victim [NAME REDACTED] says in her deposition before the Court... In 1988, our village (Sar Murd) was bombarded with chemical weapons and was burnt down by the army... Then they transferred us to (Qamchugha) Village by foot... Then transferred us to (Susa) Fort in military vehicles and then transferred us to the Emergency Force's prison in Al-Sulaymaniyyah Governorate... Then we were returned to (Susa) Fort due to large number of detainees in the Emergency Force's prison in Al-Sulaymaniyyah Governorate... After that, we were transferred to (Tupzawa) Prison... And remained there for a night and our situation was bad... Then we were transferred to (Nuqrat Al-Salman) detention camp... And our situation was very bad... and very little of water and food... and my mother-in-law died of hunger and she was blind... And she said that one of the officers in the prison used my son ([NAME REDACTED]) in return for a piece of bread for him... And lots of individuals died there... And I saw officers beating men.

On 25 September 2006, the victim [NAME REDACTED] says in his deposition before the court... In 1988, our village (Siwsinan) was bombarded with chemical weapons... Where the inhabitants escaped from it... And gathered in (Mila Sur) Village... The army blockaded and arrested us, and then transferred us via military vehicles to (Qura Tu) Camp... And then to (Tupzawa) Prison, where the men were separated from the women; and they took our belongings... Because I am old, they put me with elderly people and when my daughter ([NAME REDACTED]) saw me, she started crying... Then they transferred us to (Nuqrat Al-Salman) Prison, and we stayed there for three days without food and water... After that, they supplied us with dry bread and salty water... Where most of us had diarrhea and nausea... the detainees were between (3000-4000).


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The victim ([NAME REDACTED]) said before the court on 2006 September 26: our village (Qaytul) was bombarded by the aircrafts and artillery in 1988; and we escaped from the village. But the army was surrounding us; a woman asked about the military forces that surrounded us, they told her that it was Bariq forces. They arrested us and moved us to (Tupzawa) prison where they wrote down our names and entered us by force inside halls; after 3 nights, they took our children by force and among them was my son ([NAME REDACTED]) who was three and a half years old, as he was beaten until he swooned for an hour and a half. On the forth night, they separated men from women, and then they moved women to (Dibs Prison) Camp, as they entered us to the halls again severely, and some girls and women went insane because of fear. In addition, we stayed many days with no food, only dry bread and non portable water. On 2006 September 26, the victim [NAME REDACTED] said before the court: on 1988 April 11, the army detained the inhabitants, we were moved to (Tupzawa) prison...after three days we were transferred to (Dibs) prison and they took all what we had, and our situation was bad in (Dibs) prison I gave birth to a baby boy and I named him ([NAME REDACTED])

The victim [NAME REDACTED], who is one of the survivors from the mass graves, said before the Court on 2006 November 27, we were moved from (Irbil) Security Department to the Northern Zone Intelligence System in Kirkuk, then they entered us inside two halls. On the first three days, the torture was so severe; they were forcing us to enter inside halls paved with smashed glass and walk over it with bare foot many times. In addition, they tied people and hanged them down while their penises were tied to gas cylinders. They also ordered us to beat each other since this is a type of torture. Moreover, we were not eating for fear of going to bathroom, as we were beaten severely.



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the victim ([NAME REDACTED]) one of the survivors from the mass graves, said before the court, on 27 November 2006... in the fourth month of 1988, we were blockaded and arrested in the village of (Milasura), then they transferred us to (Qura Tu) Camp where they detained us for (10) days, it was dirty, and they did not provide us with food or drink... then they transferred us to (Tupzawa) Camp in Kirkuk, and there, they separated men from women and children... and kept us in dirty halls, and they did not provide us with food and drinks... I was (12) years wherein they put me with women... and I remembered that a lady was delivering, and the guards and soldiers were mocking at her... women used to excrete around the halls and in front of soldiers and guards.

The accused (Sultan Hashim Ahmad) was aware of the subject of the Letters (4008) and (3650), and aware of the intentions of the accused ('Ali Hasan Al-Majid) regarding the Kurdish civilians from the inhabitants of the Kurdish villages in North of Iraq... through the letters... he issued his orders to the 1s Corps Forces to wage a large-scale and systematic attack on the Kurdish villages using the chemical and conventional weapons to eradicate it... and he was aware that the total demolition of the villages was an expected normal result in the joint criminal plan, and he is aware that this criminal plan in which he participated in person and with the others by issuing his orders to the ordered forces to conduct those attacks, will lead to the destruction of houses and civilian villages, and the sake of their life... **thus, his responsibly is confirmed concerning the crime of inhuman acts, as a crime against humanity pursuant to the Article (15/ second) of the High Iraqi Tribunal Law No. (10) of the year 2005.**

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Article/13/fourthly: A, D, E, H, L

A- The responsibility of the convict (Sultan Hashim Ahmad) on the war crime by attacking the civilians:

The crime elements:

- 1- When the perpetrator of the crime implements an attack.
- 2- The target of the attack must be civilians as their status, or civilians who are not directly participating in the military operations.
- 3- When the perpetrator of the crime is intentionally targeting civilians as their status, or civilians who are not directly participating in the military operations.
- 4- When the conduct of the perpetrator performed within non international armed conflict or linked with it.
- 5- The perpetrator of the crime acknowledges the factual circumstances which prove the existence of an armed conflict.
The attack directed against the civilians as a crime of the war crimes, requires a premeditation of directing attacks against civilians who do not take part directly in the war activities... and also requires an attack, and the purpose of this attack the civilian inhabitants... and this conduct occurs in during a non international armed conflict ... and the crime perpetrator is aware of the factual circumstances which prove this conflict.

The elements to prove this crime:

It is the proof of death or injured among the civilian inhabitants, and that the general scene of the victims, were not military, and proof of no distinction between civilians and combatants, and evidence that...

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... the situation exceeds the fact of being a mere internal disturbance... and proof that the rebellious party possesses organized armed force which operates in a defined region, and owns the methods to respect the (Geneva) Conventions ...and the proof that the perpetrated action is done in a specific time and geographic limit during the conflict.

The accused (Sultan Hashim Ahmad) conducted the first Al-Anfal campaigns, and other campaigns, and he participated in it... wherein the military units attacked... the Kurdish villages... within the first Al-Anfal campaigns... from 18 February 1988 using all State's military capabilities such as: helicopters, armory, rocket launchers, fighter-jets and chemical weapons to bombard the civilian inhabitants of the Kurdish villages that were included in the campaigns... the bombardment resulted in the death of thousands of children, women and elderly people...as the victim ([NAME REDACTED]) from (Sidar) Village, said before the Court on 12 September 2006: ... on February 1988, the village was attacked with the artillery... and I remembered the screaming of women and children in the village... I ran away... and (2) of my sisters were arrested... and on the same day, other villages were bombarded by chemical weapons... and after that, he identified his mother and sister's identity cards who were arrested... wherein they were found in the mass graves... the victim [NAME REDACTED] from (Sargalu) village, stated on 12 September 2006: ... our village consists of (500) families... wherein the first Al-Anfal campaigns started, and we were bombarded by helicopters and artilleries... [NAME REDACTED] and his sons [NAME REDACTED] died and another person called [NAME REDACTED]...Also the victim[NAME REDACTED], from (Kani Qadir) village, said before the court on 10 October 2006: ...our village consists of (40) families... and in the month of April 1988... our village was bombarded by artilleries and helicopters...(3) persons died as martyrs due to the bombardment... they were ([NAME REDACTED]) and was in the last month of pregnancy ... and ([NAME REDACTED]) and she is young girl... and a girl...

The President



(677-963)

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...named[NAME REDACTED]... and wounded persons, they were [NAME REDACTED]

Whereas the proof that the general scene of the victims was civilians...

The witness [NAME REDACTED] from (Gup Tapa) Village, said before the court on 04 December 2006; I was there in 1988, wherein (25) persons from my family died, they are my mother [NAME REDACTED]...and the only one is still alive is my daughter ([NAME REDACTED])... my brothers [NAME REDACTED]and his wife [NAME REDACTED] and the wife of [NAME REDACTED] and their sons...[NAME REDACTED] and sons of my sister and her husband [NAME REDACTED] killed in the bombardment on our village by chemical weapons, in 1988...and when I entered to the village... a girl informed me saying: (no one left for you alive from your family)... which means all my family died... and I saw more that (70) persons from my family on the ground over (500) square meter affected by chemical weapons...the Court noticed that the majority of the victims were children and women... and this is a proof that the attackers did not make a difference between their victims... civilians or combatants, and that the general scene for victims were from civilians.

The evidence that the situation... exceeds the fact of being internal disturbances... is that the military sectors attacked villages with civilians, who were farmers and shepherds... and that this huge forces can not be used in this situation; in addition of the existence of military forces for the other party (Pishmarga), which are organized forces and have their command... the convict (Sultan Hashim Ahmad) confirmed before the Court... that (Pishmarga) are Para Military forces ... and composed of units and armed by light and medium weapons.

The President



(678-963)



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and the evidence that the perpetrated action is in a periodical and geographical range of the military conflict...is that Al-Anfal campaign... started within a limited period, from 18 February 1988 till September 1988... and that the geographical range of this campaigns... is Kurdistan Province. Also the evidence that the crime perpetrator was aware at least about some circumstances is... that the accused (Sultan Hashim Ahmad)... was the commander of the first Al-Anfal campaign, and the commander of the first Corps who conducted other Anfal campaigns... and he was ranking General... he participated by setting out military plans for Al-Anfal campaign...and this proves that he was aware of the surrounding circumstances of this attacks.

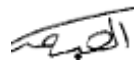
The accused (Sultan Hashim Ahmad)... is criminally responsible for the war crime by waging attack against civilians, by issuing orders to the troops to effectuate attacks on civilians, and his participation with other troops in the effectuation of these attacks... because he was the commander of the first Al-Anfal campaigns, and the First Corps, and he conducted another Anfal campaigns...**and according to that, his juridical responsibilities is specified by issuing orders to the ordered forces, and his participation with other commanders, and with a common criminality intention, and with purpose to consolidate the criminal activity and the objective criminality of the regime of (Saddam Husayn) and his military and security organization according to the virtue of the article (15/ Second) from the law of tribunal number (10) of the year 2005.**



Member
Member



Member



Member



the President
Muhammad 'Uraybi Majid Al-Khalifah



(679-963)

Verdict Decision

D- The role of the accused (Sultan Hashim Ahmad) in directing raids premeditatedly over buildings appropriated for religious, educational, artistic, scientific, or charitable purposes or against historical sites, and wounded patients' gathering centers, conditioned not to be military targets:

The crime elements:

- 1) The perpetrator must induct a raid.
- 2) The raid must target one building or more, of those designated for religious, educational, artistic, scientific, and charitable purposes, or against historical sites, or wounded and patient's gathering centers which are not considered military targets
- 3) The perpetrator must premeditatedly make the raid's target one or more buildings designated for religious, educational, artistic, scientific, and charitable purposes, or against historical sites, or wounded and patient's gathering centers which are not considered military targets
- 4) The conduct must be issued within the context of national armed dispute correlated with it
- 5) The perpetrator must be aware of factual conditions which prove the existence of armed conflict

And the elements of the evidence for the war crime represented in the attack of protected properties...is proof of the damage caused to the civilian properties...and proof of the non existence of military establishments in or on the properties ...and the non presence of military establishments near the properties ...and proof of activities which were committed and indicated to the intention of making these damages or the destruction of guarded properties.

During Al-Anfal operations of which a part was conducted by the accused (Sultan Hashim Ahmad)...the military sectors attacked the Kurdish villages using all the types of weapons, and one of it was chemical weapons, wherein a part of these villages were destructed, through armory, bulldozers, and the other part destroyed with artillery and air strikes ...or completely burned down... including the protected properties such as schools, and mosques...

The President



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and clinics...The proof of the damages caused to the protected civil properties is; The victim [NAME REDACTED], from (Sargalu) Village which comprises (500) families, said before the Court on 13 September 2006...in the first Al-Anfal campaigns...when the military forces started bombarding the villages in the region including our village, by chemical weapons, aircrafts, artillery, and rocket launchers, we ran away from the village...the army entered the villages, and plundered everything, including the cattle, and destructed the villages by explosives, they also destructed mosques, and burned copies of the holy Koran...the victim [NAME REDACTED] from (Sidar) Village, said before the Court on 14 September 2006...our village was violently and intensively bombarded, the bulldozers destructed the houses, this was in 1988. All the plaintiffs (victims) said that they saw the army units destructing their villages by bulldozers or tanks, or by using the explosives or burn them...wherein human beings or animals can hardly exist in the region...and the proof of non presence of military establishments on the properties...and the proof of non presence of military establishments near the properties.

The military units which attacked Kurdistan, targeted most of the villages of (4) governorates they are: (Al-Sulaymaniyyah, (Irbil), Duhuk and Kirkuk), they destructed more than (3000) villages with the protected establishments being there...it is impossible to imagine the presence of military forces...for other party the (Pishmarga), near all the protected properties in these villages...or its presence in the protected properties...wherein the existence of the humans, animals, agriculture and industry in the region was prohibited ...what about the protected establishments such as hospitals, schools and mosques...which were totally destructed, and even the water wells were filled up...In regard to the evidence that these actions which were committed indicates the intention to cause these damages or destruction of these protected properties is that when the intention targets any person being in...

The President



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that region, then how do they permit the existence of protected establishments, the aim of the attacking units was to destroy the region completely including its protected establishments.

The accused (Sultan Hashim Ahmad) is criminally responsible of the war crime represented in attacking the protected properties, through issuing orders to destroy the villages and protected establishments by the forces under his command... **Thus, his legal responsibility will be defined according to the Article (15/2nd) from the Court Law No. (10) of the year 2005, for issuing the orders and participating with a joint criminal intention, with the others, and his contribution for enhancing the criminal activity and purpose for the (Saddam Hussein) Regime and his security and military organizations.**


Member


Member


Member


Member



The President
Muhammad 'Iraybi Majid



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H. the responsibility of the accused (Sultan Hashim Ahmad) of the crime of issuing orders for relocating the civilian residents:

Crime elements:

- 1) The perpetrator must order the dislocation of civil inhabitants.
- 2) The order should not have vindication as to provide security for concerned civilians or military necessities.
- 3) The perpetrator must be willing to engender such dislocation via issuing orders.
- 4) The conduct must be issued within a national armed dispute context and correlated with it.
- 5) The perpetrator must be aware of factual circumstances which prove the existence of armed conflict.

Issuing an order for displacing the civilian residents should be related to the conflict, unless it was for the safety of the involved civilians or for urgent military reasons... and the crime perpetrator should be able to cause this displacement through issuing this order.

The element to prove that this crime is a war crime, it is a proof that the order of displacement was implemented without any choices; the accused (Sultan Hashim Ahmad) commanded military operations in the North of Iraq through an armed and a non-international conflict, they were attacks carried out by the Iraqi army against the civilian residents of the Kurdish villages, different types of weapons were used against those villages and their residents, including the chemical weapons. they were transferred in military vehicles to the prisons and detention places, which was confirmed by the accused (Sultan Hashim Ahmad) before of the investigating Magistrate; whereas the military units under his command transferred the families of the civilian residents to the Intelligence Services, then to the Northern Organization Office, after that to the detention and imprisonment centers; and that all the civilians who were forcibly relocated or displaced, were subject to coercive dislocation through this order, and this is what was confirmed by the accused (Sultan Hashim Ahmad) before the investigating Magistrate, that there is no one....

The President



(683-963)



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wishing to leave his ancestors' land on his will...when the army forces attacked the residents this was preceded by bombardment with the fighter-jets, artillery and chemical weapons which led to the murder of the majority of them, while some of them escaped to Turkey and Iran, or hiding in the caves or rugged places and the rest who survived the bombardment and did not escape were detained by the army and transferred in military vehicles to the prisons and detention camps and were subject to various kinds of persecution, sexual violence against the women, insulting, contempt and starvation in those detention camps: (Tupzawa, Dibs, Qura Tu, Nazarki and Nuqrat Al-Salman)...the accused (Sultan Hashim Ahmad) is criminally responsible of displacing the residents as a war crime by issuing orders to dislocate the residents from those villages, contradicting the international conventions and the International Humanity Law...**Thus, his legal responsibility will be defined according to the Article (15/2nd) from the law No. (10) for the year 2005 of the Iraqi High Tribunal Court, for issuing the orders to the forces under his command to conduct these attacks and his contribution with a joint criminal intention with the others to enhance the criminal activity and purpose of the (Saddam Hussein) Regime and his security and military organizations.**

The responsibility of the convict (Sultan Hashim Ahmad) of the crimes attributed to him

The accused (Sultan Hashim Ahmad) was a Commander of the 1st Anfal Campaigns in April 1988, he was in charge of the 1st Corps till the end of the 8th Anfal Campaigns (the final of Al-Anfal Campaigns), and he was in commanding position, obviously practiced the authority of the command over the forces under his command through issuing orders to carry out Anfal campaigns in the Iraqi Northern Area...the evidence clearly indicated that the forces were ordered by him to conduct military operations during Anfal campaigns, the reason which motivated the condemned (Saddam Hussein)...

The President



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to promote him and award him with the medal of bravery for his outstanding role in Anfal Campaigns...when these issues connected with the statement of the accused (Sultan Hashim Ahmad) before the Court, in which he mentioned that he was a soldier obeying and implementing the orders given to him from his leaders, and in case of not implementing those orders he must have been executed; so the court is convinced according with the evidences (the documents and the victims' testimonies) that the accused (Sultan Hashim Ahmad) participated with an essential way in committing several of the crimes affiliated to him, by issuing orders to the forces under his command to carry out the Anfal campaigns.

The accused (Sultan Hashim Ahmad) claimed that he was not aware of using the chemical weapons and the forces under his command did not attack the Kurdish civil villages in Northern Iraq, while this claim was refuted and disproved by several evidences (the documents and the victims' testimonies), he also claimed that, when his forces transferred the civilians and extradited them to the security forces, he did not know what happened to them after that, but the accused (Sultan Hashim Ahmad) was aware of the content of the Letter No. (4008) dated on 20 June 1987, which issued by the accused ('Ali Hasan Al-Majid) since this mentioned letter considered as an important document proved the intentions of the accused ('Ali Hasan Al-Majid) in annihilating the Kurdish existence (the human, the animal and the agricultural) in the Kurdish region in the North of Iraq; according to the letter No. (4008) dated 20 June 1987, the accused ('Ali Hasan Al-Majid) ordered the military forces to prepare special strikes to kill the largest number of people being in the regions that he considered prohibited; beside that he ordered for using the artillery and fighter-jets, while this issue contradicted with the statements of the accused (Sultan Hashim Ahmad), that he was not aware of using the chemical weapons during the Anfal campaigns, this contradicts what is mentioned in the Clause No. (5) of the Letter No. (4008) which stated the intention of the accused ('Ali....

The President



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Hasan Al-Majid) to execute everyone existing in the security prohibited villages, ranging between (15-70) years old, without trial... and the accused (Sultan Hashim Ahmad) frankly stated before the Court that he received the orders from the accused ('Ali Hasan Al-Majid) as the region Commander and in the beginning he appointed the accused (Sultan Hashim Ahmad) as a Commander of the 1st Anfal campaigns, then he assigned him to be the 1st Corps Commander, through these two positions he was engaged in the major decisions such as the Decree no (160) of the year 1987, the Letter no. (4008) dated 20 June 1987 and the Letter no. (3650) dated 03 June 1987, in which the accused ('Ali Hasan Al-Majid) draw the principles and conditions of Anfal Campaigns; during the command of the accused (Sultan Hashim Ahmad) of the 1st Anfal Campaign and the 1st Corps, the military forces committed several criminal actions as per the orders issued by him for being the supreme commander of those forces. Holding the two high positions enabled the accused to be aware of the intention of the leadership in the chain of command, including the condemned (Saddam Hussein) and the accused ('Ali Hasan Al-Majid)...as the accused (Sultan Hashim Ahmad) was the 1st Corps commander and the authority of his position allows him to aware of the details of the Anfal Campaigns and also the intentions of the High Command Headquarter; the documentary evidences obviously proved that the accused (Sultan Hashim Ahmad) was completely aware that he participated in a wide-range and methodical attack against the Kurdish civilian in the north of Iraq...the Decree no (160) of the year 1987, the letter no. (2008) dated 20 June 1987 and the Letter no. (3650) dated 03 June 1987 allowed him to be aware of the harsh procedures planned against the Kurdish civilians and the Pishmarga fighters in the Kurdish region and the intentions of the accused ('Ali Hasan Al-Majid) against them; thus, the accused (Sultan Hashim Ahmad) was aware of the intention of the accused ('Ali Hasan Al-Majid) to eradicate the Kurdish as a national and ethnic community in the north of Iraq...through the documents and letters, so in order that the accused (Sultan Hashim Ahmad) reinforces

The President



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the intention of the accused ('Ali Hasan Al-Majid) to exterminate the Kurdish people, he issued his orders to the forces that were under his command, to attack the Kurdish villages civilians using all conventional and chemical weapons, in which several women, kids and men were murdered and those who survived were arrested and transferred in military vehicles to the Northern Organization Office, then to the detention and imprisonment camps in Tupzawa, Dibs, Nazarki and Nuqrat Al-Salman and to the mass graves to be executed by the executions squads and buried there; while the accused (Sultan Hashim Ahmad) was a professional officer he knows well the non-distinguishing effects of the chemical weapons on the military and civilian targets in the region, including the killing and total destruction, so from April 1988 till September of the same year, the evidences indicated that the accused (Sultan Hashim Ahmad), the 1st Corps Commander, implemented the orders of the accused ('Ali Hasan Al-Majid) by issuing orders to the forces were under his command to attack the Kurdish villages in the north of Iraq and destroyed them with the conventional and chemical weapons, he and his forces targeted exactly the civilians, used the chemical weapons against them, forcibly deported them to the detention camps and destroyed their houses and villages; the documental evidences and the victims' testimonies proved that these villages had been bombarded and destroyed by the conventional and chemical weapons. Also, these evidences proved that several Kurdish civilians were deceased as a result of those bombardments and others arrested and coercively dislocated by the 1st Corps, commanded by the accused (Sultan Hashim Ahmad) to the detention camps; due to his command of the 1st Corps, the accused (Sultan Hashim Ahmad) was aware of all events, therefore he was aware of the wide-scale operations against the Kurdish in the north of Iraq and of his intention in committing the genocide, according to the paragraph no (4)...

The President



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of the letter (1122) dated 21 August 1988, addressed to the 1st and 5th Corps, which stipulated that it was suitable opportunity to eradicate the sabotage in the Northern Region and it is the best chance which will never come in the future... while the activities of the accused (Sultan Hashim Ahmad) which are: issuing the orders to the forces under his command to do wide-scale attacks by the conventional and chemical weapons against the Kurdish villages in the north of Iraq assists in committing the genocide through helping in actions which led to kill and cause an excessive physical and mental damage to the members of the community and subduing them intentionally to hard living conditions of living aimed to the actual destruction (wide-scale destruction for their houses and living conditions beside the coercive dislocation).

The evidences prove that the accused (Sultan Hashim Ahmad) personally participated and with others including the accused ('Ali Hasan Al-Majid) in a joint criminal plan (joint criminal purpose) for implementing wide-scale and systematic attacks against the Kurdish civilians in the northern Iraq, by implementing attacks using conventional and chemical weapons against the villages as per the orders issued by the accused (Sultan Hashim Ahmad) to his forces to carry out these attacks carrying on the orders of the accused ('Ali Hasan Al-Majid)

The accused (Sultan Hashim Ahmad) was fully aware of the undistinguishable nature of the attacks by chemical weapons, his participating in the planning of the attacks against the Kurdish villages, confirms his intention in implementing the joint plan in committing a wide- scale and systematic attacks... and his 1st Corps was among the main military units utilized in implementing the Anfal Campaigns... the evidences proved that the accused (Sultan Hashim Ahmad) played a role that no one else could do...which guaranteed

The President



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the success of his criminal joint plan (Intentional criminal plan), to carry out actions against the Kurdish civilians in the northern Iraq.

The evidence (Documents, letters and plaintiffs' statements) proves that the defendant (Sultan Hashim Ahmad) ordered the 1st Corps to utilize conventional and chemical weapons against the Kurdish civilians in Northern Iraq. The evidence proves that he targeted the villages inhabited with civilians (Sargalu, Bargalu and Mawat), which supports the evidence of the joint criminal plan. The evidence proves that the accused (Sultan Hashim Ahmad) and others including the accused ('Ali Hasan Al-Majid) contributed in a joint criminal plan to target the Kurdish civilians in the north of Iraq utilizing conventional and chemical weapons.

The accused (Sultan Hashim Ahmad) knew that the coercive dislocation of civilians is a normal expectable result which enhances the joint criminal plan aimed to dislocate civilians from their villages as a result of military large-scale operations.

The accused (Sultan Hashim Ahmad) confessed before the Court that the military forces transferred civilians in military vehicles to the Northern Organization Office. The accused ('Ali Hasan Al-Majid) issued his letter No. (4008) dated 20 June 1987 in which he decided to completely destroy the Kurdish villages, which were considered at that time as prohibited villages for Kurdish civilians... The accused (Sultan Hashim Ahmad) was aware of the letter No. (4008) ... He ordered the 1st Corps to conduct a military large-scale operation on Kurdish villages, using conventional and chemical weapons... He knew that the complete destruction of Kurdish villages was possibly anticipated due to the fact that he participated in carrying out the joint criminal plan.

The accused (Sultan Hashim Ahmad) was personally involved and he contributed in enhancing the joint criminal plan (joint criminal intention), which aimed to conduct large-scale military operations against ...

The President



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civilians utilizing conventional and chemical weapons ... The accused (Sultan Hashim Ahmad) was aware when he participated in the joint criminal plan that there were armed conflicts happening between the Iraqi forces and Kurdish fighters (Pishmarga) ... The available evidence proves that the accused (Sultan Hashim Ahmad) participated in planning and conducting strikes against civilians in Kurdish villages... The accused ('Ali Hasan Al-Majid) and the Northern Organization Office issued orders to the 1st, 2nd and 5th Corps to conduct strikes in the Anfal Operations. Although the defendant ('Ali Hasan Al-Majid) stated that he did not issue any orders to the army, but the letters no (4008) dated 20 June 1987 and no (3650) dated 03 June 1987 disproves his claims.

The strikes against the Kurdish civilians in Northern Iraqi related to the armed conflict between the Iraqi forces and the Pishmarga forces... The accused (Sultan Hashim Ahmad) was personally involved in preparing the strikes against Kurdish villages without differentiating between innocent civilians and fighters... As it was mentioned before, the utilization of chemical weapons does not distinguish between civilians and fighters.... There was no justification for the need of military operations, which were carried out by the 1st Corps under the command of the accused (Sultan Hashim Ahmad), in cooperation with the 2nd and 5th Corps against the Kurds in the North of Iraq... Thousands of Kurds were killed and thousands of them were arrested by the military forces and transferred in military vehicles to the Northern Organization Office in order to be transferred to detention camps in (Tupzawa, Dibs, Nazarki and Nuqrat Al-Salman) or to be buried in mass graves after being executed by execution squads... The defendant (Sultan Hashim Ahmad) personally involved in preparing the joint criminal plan with the cooperation of others ...

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intentionally in order to carry out strikes against Kurds in the north of Iraq... The accused (Sultan Hashim Ahmad) issued orders to the commanders of 1st Corps forces to conduct strikes against civilians... The defendant (Sultan Hashim Ahmad) participated in conducting indiscriminate strikes on Kurdish villages in the north of Iraq by issuing orders to commanders without any considerations to the type of the building or its protected nature (*T.C: such as schools, mosques...etc*) These strikes were related to the internal conflict between the Iraqi army and Pishmarga...The accused ('Ali Hasan Al-Majid) ordered the commanders of First, Second and Fifth Corps to completely destroy Kurdish villages. This plan aimed to destroy all villages taken as bases for Pishmarga forces to carry out strikes against Iraqi army. The accused (Sultan Hashim Ahmad) did not differentiate between fighters and civilians or even military or civilian targets, (protected) targets because he was obeying orders of the accused ('Ali Hasan A-Majid), who ordered his military forces to attack the Kurdish villages utilizing conventional and chemical weapons that completely destroyed the protected buildings.

The accused (Sultan Hashim Ahmad) was aware of the orders issued by the defendant 'Ali Hasan Al-Majid (Decision no. (160) dated 1987, letter no. (4008) dated 20 June 1987 and letter number (3650) dated 03 June 1987) to dislocate Kurdish civilians from their villages in the north of Iraq to compounds constructed for this purpose, against their will, this was obtained through intelligence information presented by the accused (Sultan Hashim Ahmad) to the accused ('Ali Hasan Al-Majid), which played a role in expelling Kurdish civilians from their homes and villages in Northern Iraq...Therefore, this is why the defendant (Sultan Hashim Ahmad) is considered an accomplice and collaborator in assisting the criminal joint operation by issuing orders to the Military Forces under his command to execute ...

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wide-scale and methodical attacks utilizing conventional and chemical weapons on Kurdish villages in Northern Iraq. He knew that these attacks will dislocate civilians from their houses and villages. The accused ('Ali Hasan Al-Majid) issued orders to destroy Kurdish villages in Northern Iraq without differentiating between the houses of civilians and Kurdish fighters (Pishmarga) ... The defendant knew about these orders through the letters, documents and correspondence... The accused (Sultan Hashim Ahmad) implemented the orders of the accused (Ali Hasan Al-Majid) by ordering the 1st Corps to initiate large-scale organized operations utilizing conventional and chemical weapons against the Kurdish houses, villages and civilians in Northern Iraq. The accused (Sultan Hashim Ahmad) cannot take the military operations as an excuse to justify the complete destruction of villages, which were leveled to the ground, or the massacres and killing as well as the large-scale destruction of properties. The accused (Sultan Hashim Ahmad) was responsible of genocide, war crimes and crimes against humanity, which were committed against the Kurds in Northern Iraq during the Anfal operations.

Conviction verdict against the accused (Sultan Hashim Ahmad), for the genocide crime:

The tribunal discussed in details the crimes' evidences that were charged to the convict Sultan Hashim Ahmad like the victims', plaintiffs' and witnesses' testimonies, documents and correspondences. While discussing the crimes that had been charged to him and proving its basics, legal requirements and evidences' elements, we do not find it necessary to move again to it.

The President



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The accused is charged with genocide, causing severe physical or mental damage by subduing the community to living conditions intending to partially or completely annihilate it.

The evidence proves that the accused (Sultan Hashim Ahmad) was the commander of Anfal Operation in February 1988 and after that, he was promoted to the Commander of 1st Corps in April 1988. The aforementioned two positions enabled the defendant to know about the orders issued by higher authorities, such as decree no. (160), issued by the Revolutionary Command Council on 1987, letter no. (3650) dated 03 June 1987 and letter no. (4008), dated 20 June 1987 issued by the accused ('Ali Hasan Al-Majid) regarding the regulations of the Anfal Operations against the Kurdish civilians in Northern Iraq.

The evidence proves that the accused (Sultan Hashim Ahmad) was fully aware that he was participating in a large-scale operation against Kurdish civilians in Northern Iraq. The decree no (160), dated 1987 and the two letters no. (3650) dated 03 June 1987 and no. (4008) dated 20 June 1987 included information sent to the accused (Sultan Hashim Ahmad) regarding the severe procedures, which were going to be implemented against the Kurdish fighters and civilians in Northern Iraq...

The aforementioned evidences prove, along with other evidences (Letters, documents and plaintiffs and victims' statement) that the accused (Sultan Hashim Ahmad) was fully aware of what 'Ali Hasan Al-Majid and Saddam Hussein intended to do with the Kurdish civilians in Northern Iraq and he knew that he was ordered to attack the civilians using lethal weapons (Chemical weapons)...

The accused (Sultan Hashim Ahmad) knew that the accused ('Ali Hasan Al-Majid) intended to commit genocide against the Kurdish civilians in Northern Iraq (According to the letters and documents), and he was required to take necessary actions to achieve the aims and intentions of the accused ('Ali Hasan Al-Majid) by issuing orders to the military forces (1st Corps) ...

The President



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to commit acts boosting the intend of genocide... The accused (Sultan Hashim Ahmad) alleged that he was not aware of using chemical weapons and his military forces attacked the military targets (Pishmarga forces) only and not the civilians. These claims are disproved by the irrefutable evidences (Documents no. (4008) dated 20 June 1987, (3650 dated 03 June 1987, decision no. (160) dated 1987), plaintiffs and victims' statement and other letters and documents, which include information on the use of chemical weapons) ... The accused (Sultan Hashim Ahmad), who is a well-experienced officer, was fully aware of the undistinguishable effects of the chemical weapons against civilians and military targets including murder and devastation. From the start of the Anfal Operation in (April 1988) until the end in (September 1988), the evidences (Letters, documents and victims' statement) prove that the accused (Sultan Hashim Ahmad), who was the commander of 1st Corps, carried out the orders and intentions of the accused ('Ali Hasan Al-Majid), by ordering his forces to attack the Kurdish villages in Northern Iraq and completely destroy them using chemical and conventional weapons... His soldiers and him, targeted civilians in particular by using chemical and conventional weapons... As a result of this operation, thousands of civilians were killed and their villages and houses were destroyed...

They were coercively dislocated from their villages, and all the men, women and children who survived were arrested and transferred by force to detention camps in (Tupzawa, Dibs, Qura Tu, Nazarki and Nuqrat Al-Salman). They suffered from starvation, mistreatment, oppression, deprived from sleeping and diseases. Segregating women from men and young men from elders, as well as women were sexually abused...

Many of them were buried in mass graves, after they were killed by execution squads. The evidences prove that the accused (Sultan Hashim Ahmad) played a key role in equipping the military forces with ammunitions and other supplies, which were used in chemical and conventional weapon attacks against the Kurds in Northern Iraq. This was accomplished by the big support and cooperation between him and the ...

The President



(694-963)

In the Name of God the Merciful the Compassionate

The Iraqi High Tribunal
Second Criminal Court
1428
Baghdad-Iraq

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Coincided with 2007 June 24

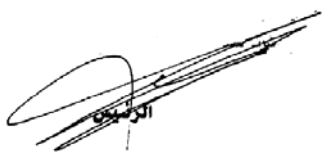
Verdict Decision

accused ('Ali Hasan Al-Majid), chief of army staff, and the Deputy Chief of Army Staff for operations, the accused (Husayn Rashid) since the latter was supplying the accused (Sultan Hashim Ahmad) and his forces with ammunitions, accoutrements, maps, and the military consultants.

The evidences prove that the accused (Sultan Hashim Ahmad) had implemented a military plan through wide-range attacks by ordering his soldiers and the forces under his command to attack the Kurdish villages in the north of Iraq with the chemical and conventional weapons carrying out the orders of the accused ('Ali Hasan Al-Majid) to apply the Regime's policy against the Kurds in the north of Iraq as a national and ethnic group.. In spite of his complete awareness that these wide-attacks with the chemical and conventional weapons will result in killing innocents in a wide-range, destroying the villages and houses, displacing the survived women, infants, and men, then relocating them by force to the arresting and detention camps by moving them in military vehicles to be handed over to the Northern Organization Office under the charge of accused ('Ali Hasan Al-Majid).. The accused (Sultan Hashim Ahmad) as the commander of the first Corps... was aware of the wide-range operations against the Kurds in the north of Iraq... also aware of the accused ('Ali Hasan Al-Majid's) intention of committing the genocide crime against them, and that is according to the decree (160) for the year 1987, the correspondence (4008) dated 1987 June 20, the correspondence (3650) dated 1987 June 03, and the other correspondences and documents concerning the use of the chemical weapons (Special attacks); which is clarified in the chapter of documents and correspondence.

The activities of accused (Sultan Hashim Ahmad) expressed in releasing orders to his forces (The first Corps) of performing wide-range attacks with the conventional and chemical weapon on the Kurdish villages in the north of Iraq; helped in committing the genocide crime through his soldiers and forces' actions that had caused in killing thousands of the Kurdish civilians in the north of Iraq as a national and ethnic group...

The President



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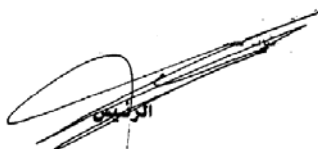
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... with causing serious physical and mental harm to that national and ethnic group's individuals, and subduing them intentionally to living conditions that cause in eradicating them by the wide-range destruction of their houses and living ways, and in relocating them coercively to the arrest and detention camps. The accused (Sultan Hashim Ahmad) was completely aware that his orders he had issued to his soldiers and forces helped mainly in committing the genocide through the Anfal operations. Through the case's available evidences; the Court finds that the accused (Sultan Hashim Ahmad) had offered help and assistance and provoked the accused ('Ali Hasan Al-Majid) and (Saddam Hussein) to commit the genocide against the Kurdish civilians as an ethnic and national group residing in the north of Iraq; through his command of the first Corps and his performing of the military plans assigned to him by releasing orders to his forces and soldiers to carry out a wide-range attack with the chemical and conventional weapons against the Kurdish villages in which he killed thousands of innocents.. And that he knew that his actions helped in committing the genocide against the Kurdish inhabitants in the north of Iraq.

Thereby, the Court concludes that the accused (Sultan Hashim Ahmad) is guilty in complicity with the accused ('Ali Hasan Al-Majid) and others in committing the genocide, and that the evidences are enough to convict him according to the descriptions of article (11/First) of clauses (A- B- C) and Article (11/Second- E), and by virtue of Articles (15/Second) and (24) of the Iraqi High Tribunal (IHT) Law no (10) of the year 2005, the sentence was determined according to the descriptions of Article (406/1/A- B- F), by virtue of the contributory Articles...

Member



Member



Member



Member



The President

(696-963)

In the Name of God the Merciful the Compassionate

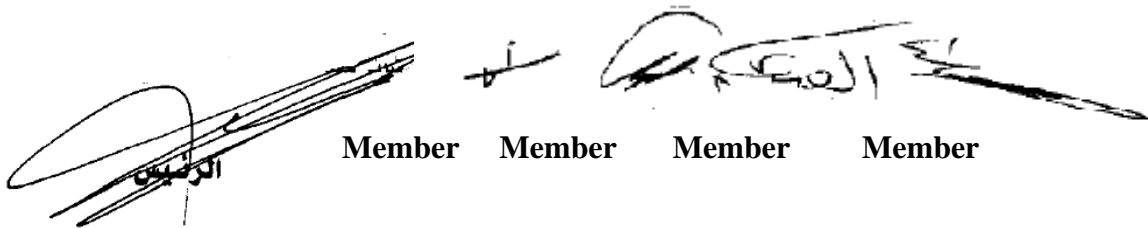
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... (47, 48, and 49) of the amended Penal Code number (111) of the year 1969, accordingly he (111) of the year 1969... the verdict was released in unanimous agreement revocable for cassation which was publicly acknowledged on 2007 June 24.



Member Member Member Member

The President
Muhammad 'Iraybi Majid Al-Khalifah



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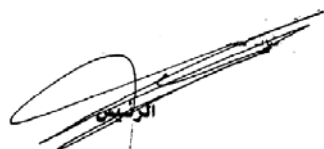
Crimes against humanity

A-Conviction of the accused (Sultan Hashim Ahmad) for the murder crime as a crime against humanity:

The tribunal discussed in details the crimes' evidences that were charged to the convict Sultan Hashim Ahmad like the victims', plaintiffs' and witnesses' testimonies, documents and correspondences. While discussing the crimes that had been charged to him and proving its basics, legal requirements and evidences' elements, we do not find it necessary to move again to it.

The available case's **evidences** (Documents, correspondence, and the victims and plaintiffs' statements) **prove** that the accused (Sultan Hashim Ahmad) participated personally with others including the accused ('Ali Hasan Al-Majid) in an joint criminal plan of executing wide-range and methodical attacks on the civilian inhabitants in the north of Iraq by issuing orders to the forces under his command to use the chemical and conventional weapons in attacking the Kurdish villages, also that the soldiers under his command of the first corps had dislocated the survived civilians coercively in military vehicles and handed them over to the Northern Organization Office commanded by the accused ('Ali Hasan Al-Majid) to be arrested by the security services in the arrest and detention camps of (Tupzawa, Dibs, Nazarki, and Nuqrat Al-Salman) where they suffered of oppression, torturing, lack of food and medicine, starving, physical and psychological harms, sexual violence, and the diseases' spreading, executing the accused ('Ali Hasan Al-Majid's) order (Correspondences (1008) on 1987 June 20, and (3650) on 1987 June 03). The accused (Sultan Hashim Ahmad) intended to carry out these methodical and wide-range attacks (And this was proved through the victims and plaintiffs' testimonies...

The President



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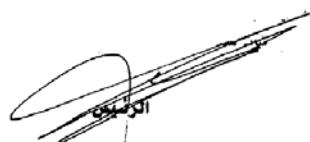
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... and documents) while discussing the proof of these crimes. The accused (Sultan Hashim Ahmad) was aware of the mass-destructive capability of the chemical weapons... his participation and contribution in planning for carrying out these attacks on the Kurdish villages assure his knowledge, his intention to execute it, and involvement in the joint plan for committing wide-range and methodical attacks against the civilian inhabitants in the north of Iraq. The accused (Sultan Hashim Ahmad) was participating personally in the joint criminal plan through the attacks, carried on by the first Corps forces under his command, on the Kurdish civilians in the north of Iraq during the Anfal operations. The role performed by the accused (Sultan Ahmad Hashim) in executing the Anfal operations was not capable to be done by any one else; by the orders that he released to his commands of carrying out a wide-range and methodical attacks with chemical and conventional weapons on the Kurdish villages which caused the murder of thousands of Kurdish civilian inhabitants; carrying out the accused ('Ali Hasan Al-Majid's) orders of implementing the regime's policy against the Kurdish inhabitants in the north of Iraq. The Court concludes that the accused (Sultan Hashim Ahmad) participated personally with other convicts in an joint criminal plan of executing wide-range and methodical attacks on the Kurdish civilian inhabitants in the north of Iraq that caused in committing the premeditated murder crime with in huge numbers through the orders issued by him to his soldiers who in their turn executed it.

Accordingly, the Court concludes that the accused (Sultan Hashim Ahmad) is guilty for the premeditated murder crime that forms a crime against humanity, for the period February until September 1988, which was committed within the Anfal operation; the evidences are enough to convict him for that crime according to the description of article (12/First-A), by virtue of article (15/First/Second) and article (24) of The Iraqi High Tribunal Law no. (10) of the year 2005, the sentence was determined based on the description of Article (406/1-A-F) and by virtue of the contributory articles (47, 48 and 49) of the Penal Code no. (111) of the year 1969, accordingly he was convicted...

The President



(699-963)

In the Name of God the Merciful the Compassionate

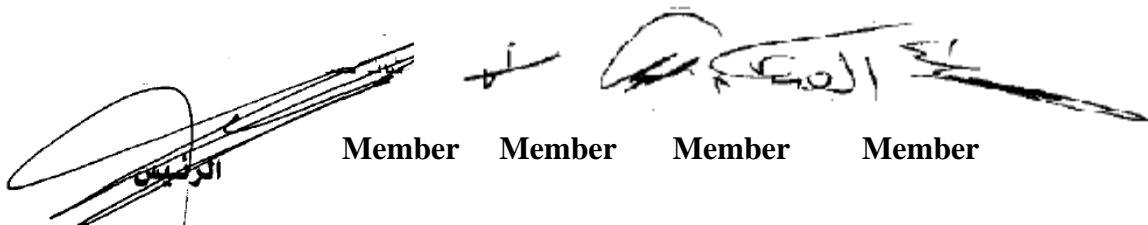
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...and his sentence was determined, the verdict was released in unanimous agreement revocable for cassation which was publicly acknowledged on 2007 June 24.


Member Member Member Member

The President
Muhammad 'Iraybi Majid Al-Khalifah

